

## **BILL ANALYSIS**

C.S.S.B. 705  
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Agriculture & Livestock  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Texas Animal Health Commission (TAHC) works to ensure the health and marketability of the animal agriculture industry in Texas by protecting livestock and fowl from foreign and domestic diseases and controlling the spread of outbreaks that occur. Following review by the Sunset Advisory Commission as part of the 2020-2021 sunset review cycle, the sunset commission found that the TAHC remains necessary and recommends continuing it for 12 years as an independent, standalone agency. However, the commission also recognized that the TAHC has not fully kept up with shifting disease landscapes.

One of the most significant shifts occurred in recent years as Texas was declared free of cattle brucellosis and federal funding to test for this disease was eliminated, significantly reducing the workload of the TAHC's lab. Due to the reduction in workload and other problems, the sunset commission determined that the TAHC lab is no longer cost-effective or needed, particularly when the better-equipped Texas A&M Veterinary Medical Diagnostic Laboratory is capable of serving as the state's regulatory animal health lab.

The sunset commission also recognized a need to bring the TAHC's regulations and operations in line with current best practices for disease and pest management and to strengthen and improve the consistency of its investigation and enforcement activities across its six regions to better mitigate the risk of disease outbreak in Texas. C.S.S.B. 705 seeks to continue the TAHC with statutory modifications aimed at acting on certain of the sunset commission's findings and recommendations.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Animal Health Commission in SECTIONS 6, 8, 11, 13, 15, 17, and 24 of this bill.

### **ANALYSIS**

C.S.S.B. 705 amends the Agriculture Code to continue the Texas Animal Health Commission (TAHC) until September 1, 2033. With respect to the TAHC, the bill also does the following:

- regarding TAHC member training:
  - revises provisions related to member training and provides for the creation of a related training manual that each member must acknowledge having received and reviewed; and
  - provides for the transition to the new training requirements for members appointed before the bill's effective date;

- updates provisions establishing the grounds for removing a TAHC member and provisions relating to TAHC complaint procedures to apply standard sunset good government provisions;
- authorizes the TAHC to establish advisory committees by rule to make recommendations on programs, rules, and policies administered by the TAHC and repeals the provision establishing that a member of a TAHC advisory committee is not entitled to compensation;
- provides for a periodic review of certain compliance data by requiring the TAHC to do the following:
  - analyze, on a statewide and regional basis, violations of provisions governing the control of animal diseases and pests on a periodic basis to ensure the information reflects current enforcement practices, with the initial analysis to be completed not later than March 1, 2022;
  - use that analysis to compare enforcement practices across each region and determine training needs, gaps in enforcement authority, and effective enforcement activities; and
  - timely enter and share compliance and enforcement information on a statewide and regional basis;
- removes a statutorily prescribed list of diseases from which the TAHC is tasked with protecting all livestock, exotic livestock, and domestic and exotic fowl and requires the TAHC instead to adopt, not later than March 1, 2022, and periodically update rules listing the diseases that require control and eradication from which those animals must be protected;
- replaces the requirement for the TAHC to establish a quarantine against all or the portion of a state, territory, or country in which an applicable disease exists with an authorization to do so and removes a requirement for the TAHC to establish a quarantine on affected animals or affected places in Texas;
- authorizes the TAHC by rule to delegate its authority to establish a quarantine to the executive director of the TAHC, who must promptly notify TAHC members when a quarantine is established;
- removes a statutorily prescribed list of diseases the existence of which in certain animals a veterinarian, veterinary diagnostic laboratory, or person having care, custody, or control of the animal must report to the TAHC and requires the TAHC instead to adopt not later than March 1, 2022, and periodically update rules listing the diseases that the TAHC determines require reporting;
- regarding diseases recognized by the USDA as a reportable animal disease:
  - authorizes the TAHC by order to require the slaughter of livestock, domestic fowl, or exotic fowl or the sale of the animal for immediate slaughter at a public slaughtering establishment maintaining federal or state inspection if the animal is exposed to or infected with such a disease, other than bluetongue or vesicular stomatitis, that is recognized by the USDA as a reportable animal disease; and
  - authorizes the TAHC to adopt rules that require a veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal to report the existence of such a disease, other than bluetongue, in an animal to the TAHC within 24 hours after diagnosis;
- removes a provision setting a rule adopted by the TAHC establishing a duty to report certain animal diseases that are not otherwise reportable to expire on the first day after the last day of the first regular legislative session that begins after adoption of the rule unless the rule is continued in effect by act of the legislature;
- removes and repeals statutorily prescribed treatment methods for certain diseases and conditions and requires the TAHC instead to adopt rules not later than March 1, 2022, for testing, treatment, or vaccination under provisions governing the control of animal disease and pests, including with respect to the methods of treatment available for scabies;

- replaces the requirement for the TAHC to establish a quarantine against all or the portion of a state, territory, or country in which scabies exists in cattle with an authorization for the TAHC instead to establish a quarantine against an applicable area for scabies control;
- removes the statutorily prescribed deadline for submission of a certification of test or vaccination of cattle or certain other animals for tuberculosis and requires the TAHC instead to prescribe the submission deadline by rule;
- authorizes the TAHC to require the owner or operator of a livestock market to furnish adequate equipment or facilities or have access to essential equipment or facilities within the market's immediate vicinity for testing, treatment, or vaccination of livestock; and
- authorizes the TAHC, by a two-thirds vote, to adopt rules for the cooperative program for the eradication of swine diseases that are more stringent than the applicable federal rules relating to minimum standards for cooperative programs.

The rules adopted by the TAHC listing the diseases that require control and eradication from which those animals must be protected and listing the diseases that require reporting are exempt from Government Code provisions establishing certain requirements applicable to state agency rules that increase costs to regulated persons.

C.S.S.B. 705 designates the Texas A&M Veterinary Medical Diagnostic Laboratory as the state's regulatory animal health laboratory and provides for a related memorandum of understanding between the TAHC and that laboratory. The bill requires the memorandum to be adopted not later than January 1, 2022, and requires it to be reviewed annually. These provisions expressly do not prevent the TAHC from using a different laboratory for a test as needed or from collecting specimens and performing field tests to diagnose animal diseases.

C.S.S.B. 705 amends the Penal Code to make a conforming change.

C.S.S.B. 705 repeals the following provisions of the Agriculture Code:

- Section 161.035(c);
- Section 164.024;
- Section 164.025;
- Section 164.026;
- Section 164.027;
- Section 165.002; and
- Section 167.058.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 705 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes the following provisions not in the engrossed:

- provisions exempting rules adopted by the TAHC listing the diseases that require control and eradication and listing the diseases that require reporting from Government Code provisions establishing certain requirements applicable to state agency rules that increase costs to regulated persons;
- provisions regarding diseases recognized by the USDA as reportable animal diseases;
- provisions authorizing the TAHC to delegate its authority to establish a quarantine; and
- provisions removing the automatic expiration of rules adopted by the TAHC regarding the reporting of a disease that is not otherwise a reportable disease.